

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

RUDY CASTANEDA,

*Plaintiff,*

vs.

MAXIM HEALTHCARE SERVICES,  
INC.,

*Defendant.*

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SA-23-CV-00807-JKP

**SHOW CAUSE ORDER**

Before the Court is the above-styled cause of action. The record reflects that the United States Marshals Service executed service of process on Defendant as ordered by the Court on September 13, 2023, making Defendant's answer due on October 16, 2023. (Return of Service [#11].) Defendant has failed to answer or otherwise respond in this action. Rule 55 of the Federal Rules of Civil Procedure governs the process of securing a clerk's entry of default and final default judgment against a party who has failed to plead or otherwise defend an action. It is Plaintiff's responsibility to prosecute this case in light of Defendant's failure to respond to the Complaint and Summons. Plaintiff has not moved for a clerk's entry of default or taken any other action in this case with respect to the default of Defendant. However, the Court notes that the Return of Service was not filed on the docket until December 18, 2023, so Plaintiff (who is proceeding *pro se*) may not be aware of these deadlines.

The Court nonetheless informs Plaintiff that a district court may dismiss an action for failure to prosecute. Fed. R. Civ. P. 41(b). Plaintiff should therefore diligently pursue default or show cause why moving for default is not appropriate at this time.

**IT IS THEREFORE ORDERED** that Plaintiff file a motion for clerk's entry of default or show cause why he declines to do so on or before **January 10, 2023**. A failure to do so could result in dismissal of this case for want of prosecution.

SIGNED this 20th day of December, 2023.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE